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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALICIA HARRIS, as an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

VECTOR MARKETING CORPORATION, a
Pennsylvania corporation; and DOES 1 through
20, inclusive,

Defendants.

Case No.: CV 08 5198 EMC

JOINT STIPULATION RE: TOLLING
AGREEMENT ; ORDER

The parties, by and through their counsel of record, hereby stipulate and agree as follows:

WHEREAS, on or about February 9, 2009, Plaintiff ALICIA HARRIS (“Plaintiff”) filed the current operative Second Amended Class Action Complaint (“Complaint”) against Defendant VECTOR MARKETING CORPORATION (“Defendant”) (Plaintiff and Defendant shall be collectively referred to as the “Parties”);

WHEREAS, the Complaint alleges various wage and hour violations on behalf of the following two classes of individuals: (1) all individuals who worked for DEFENDANTS in the State of California as “Sales Representatives” from October 15, 2004 through the present classified as independent contractors (the Rule 23 Class) and (2) all individuals who worked for

DEFENDANTS in the State of California as “Sales Representatives” from October 15, 2005 through the present classified as independent contractors (the FLSA Class);

WHEREAS, Plaintiff desires to timely seek conditional certification under the Federal Fair Labor Standards Act on behalf of the FLSA Class;

WHEREAS, Defendant intends on moving for summary judgment against Plaintiff;

WHEREAS, the Parties desire to have Defendant’s summary judgment motion heard prior to Plaintiff’s motion for conditional class certification;

WHEREAS Defendant’s motion for summary judgment is currently scheduled to be heard on July 8, 2009;

WHEREAS, this agreement by the parties does not constitute an admission of liability on the part of Defendant nor does it constitute any waiver of other defenses that may be available to Defendant other than, as expressly provided here, the statute of limitations defenses specifically addressed in this Stipulation.

IT IS HEREBY STIPULATED by the parties herein, through their counsel of record, as follows:

1. For purposes of the statute of limitation, to the extent that Plaintiff moves for conditional class certification under the Federal Fair Labor Standards Act on behalf of the FLSA Class, any class conditionally certified as a result of said motion shall be certified with a class period start date of April 15, 2006.

SO STIPULATED.

Dated: April 6, 2009

DIVERSITY LAW GROUP, P.C.

By: /s/
Larry W. Lee, Esq.
Attorneys for Plaintiff

Dated: April 6, 2009

REED SMITH, LLP

By: /s/
John P. Zaimes, Esq.
Attorneys for Defendant

I, Larry W. Lee, attest that I have obtained concurrence from John P. Zaimes in the filing of this Stipulation. See N.D. Cal. General Order 45 § 10(B).

IT IS SO ORDERED:

